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November 28, 2016

VIA ECF

The Honorable Sidney H. Stein
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *In re: DNAinfo*, 1:16-mc-00332-P1

Dear Judge Stein,

I write in regards to the September 8, 2016 application of DNAinfo to unseal the docket, docket entries, transcripts, and other court documents concerning the federal criminal prosecution of Jona Rechnitz (the "Rechnitz Prosecution"). ECF No. 1.

On November 14, 2016, this Court issued an order requiring the United States Attorney's Office for the Southern District of New York (the "USAO") to (1) serve and file its response to DNAinfo's application on or before November 23, 2016 and (2) by that same date, to submit to the Court an *ex parte* letter, under seal, "informing the Court whether the records sought in the application exist and are in fact under seal and, if so, the basis for keeping such records under seal in light of the common law and First Amendment right of public access to judicial documents and the corresponding presumption of public access." ECF No. 3.

As of the date of this letter, DNAinfo has not been served with—and the docket does not reflect the filing of—any response by the USAO to DNAinfo's application. Nor does the docket contain notice of the submission by the USAO of an *ex parte* letter submitted to the Court under seal, as required by the Court's November 14 order. To the extent anything has been submitted to the Court by the USAO in response to DNAinfo's application, DNAinfo is unaware of it. Accordingly, for the reasons set forth in its September 8, 2016 application, DNAinfo respectfully requests that the Court enter an order directing the Clerk of the Court to immediately unseal any docket, docket entries, transcripts, and/or other court documents from the Rechnitz Prosecution.

Respectfully submitted,

s/ Alfred Levitt__________

Alfred Levitt
General Counsel
DNAinfo
810 7th Avenue
New York, NY 10019
alevitt@hugollc.com